IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2346 OF 2004

Prof.Jitendra Vasant Pise .. Petitioner
V/s
State of Maharashtra & ors. .. Respondents

Mr.N.M.Ganguli for the Petitioner.

Mr.L.T.Sathilkar, AGP for Respondent Nos.1 and 2.

Mr.P.M.Palshikar for Respondent No.3.

CORAM: F.I.REBELLO, &
S.P.KUKDAY, JJ.

DATE : 22.03.2005.

P.C.:

1. Rule. Heard forthwith.

2. The College Tribunal by an order dated 13th March, 2003 directed the Respondent No.4 running the Sahyadri College of Arts & Commerce to reinstate the Petitioner to the post held by him as a part time lecturer, without any break in service and further directed to pay to the Petitioner the back-wages as may be due as per the rules from the commencement of Academic Year 2002-2003. Pursuant to the Mis.Application a further order came to be passed on 18.9.2003 directing the Joint Director, Higher Education, Mumbai Region to pay to the Petitioner his back-wages for a period September, 2002 till 30th April, 2003 after deducting the amounts paid by the College on Clock-hour basis, and to release the salary thereafter as a part time lecturer after deducting the

amounts paid from the grants due to the College from the Government. As the Department had failed to pay the amounts the Petitioner filed the present petition.

3. On behalf of the Respondents, learned Counsel points out that by the letter dated 7.12.2004 they have released the sum of Rs.1,09,000/- in favour of the Principal of the College. A copy of the said communication addressed to the Principal is produced before this Court. On behalf of the Petitioner, learned Counsel makes a statement that the said amount has not been received.

4. On October 12, 2004 as Respondent Nos.4 and 5 were not present, office was directed to issue notice against Respondent Nos.4 & 5 to show cause as to why the proceedings in contempt should not be initiated against them for non-compliance of the order of this Court. The Respondent Nos.4 & 5 are still not represented before this Court, nor have they put any appearance on their behalf.

5. Considering that the order dated 18.9.2003 was a direction to the Respondent No.2 to pay to the Petitioner herein, we direct Respondent No.2 to pay all the outstanding amounts in terms of the order of the College Tribunal to the Petitioner directly, within a period of four weeks from today.

6. It will be open to the Respondent No.2 to take whatever action as they deem fit against Respondent Nos.4 and 5 for failure on thier part to pay the amounts released by Respondent No.2 in favour of the petitioner. The amounts can be deducted from the grants which the Respondent No.2 has to release in favour of Respondent Nos.4 & 5.

7. Rule is made absolute accordingly.

(F.I.REBELLO, J.)

(S.P.KUKDAY, J.)